IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 11788 of 2004

Between:

Gummadi Raghunath, S/o.Venkateswarlu,
R/o.7-5-96, Nirmalnagar, Ongole,
Prakasam District.

.... PETITIONER

AND

1 J.Murali Krishna, C.I.of Police, (Formerly C.I.of Kandukur;

presently, under vacany Reserve) R/o.Niramalnagar, Ongole,

Prakasham District.

2 The Deputy Superintendent of Police,Ongole, Prakasam District.
3 The D.I.G.of Police, Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the nature of writ of Mandamus directing the 1st respondent not to harass the petitioner or petitioner's family members without there being any cognizable offence committed by the petitioner and

without there being any registration of crime against the petitioner and pass such other Orders in the interests of justice.

Counsel for the Petitioner: MR.RAJA REDDY KONETI

Counsel for the Respondents: GP FOR HOME

The Court made the following:

O R D E R: -

The petitioner seeks a Writ of *Mandamus* directing the first respondent-Circle Inspector of Police, Kandukur, not to harass the petitioner and his family members without there being any cognizable offence committed and without there being registration of any crime against the petitioner.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner is an unemployed Engineering graduate and hails from a respectable family. It is also asserted that no crime is registered against him and that he is not involved in any offence. The grievance of the petitioner is that the first respondent who was at the relevant point of time working as Circle Inspector of Police at Kandukur has been harassing the petitioner on the ground that he was transferred from Kandukur on a phone call alleged to be from the son of an important political person emanated form the cell phone of the petitioner bearing No.988540799. The petitioner admits that the said mobile phone belongs to him, but states that he lost his phone on 18-06-2004 about which he lodged a complaint with the Taluq P.S., Ongole on 19-06-2004. He pleads that somebodyelse must have made the mysterious call using the cell phone lost by him, which

might have resulted in the transfer of the 1st respondent and since he is no way connected with the alleged events, the action of the 1st respondent is arbitrary and illegal.

3. Counter affidavit has been filed by the 1st respondent who is now working as Circle Inspector of Police, Nellore Rural Circle, stating that he has no knowledge of the fact that the petitioner lost his cell phone. He denied the allegation of harassment to the petitioner and his family members at any point of time. He further stated that he has been working as Inspector of Police, Nellore Rural Circle, since 19.07.2004 and that there is no truth in any of the allegations of the petitioner.

4. In the light of the unrebutted averments in the counter-affidavit and in view of the fact that the first respondent has been presently working at Nellore, this writ petition does not deserve any adjudication on merits. Accordingly, recording the statement of the first respondent in his counter affidavit denying all the allegations made by the petitioner, the writ petition is closed. No costs.

Dated : 03rd August 2004.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 J.Murali Krishna, C.I.of Police, (Formerly C.I.of Kandukur;

presently, under vacany Reserve) R/o.Niramalnagar, Ongole,

Prakasham District.

2 The Deputy Superintendent of Police,Ongole, Prakasam District.
3 The D.I.G.of Police, Guntur.

4 2 CCs to G.P for Home, High Court of A.P,Hyd. (OUT)

5 2 CD copies

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